

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMRUTBHAI PATEL, and NILABEN
PATEL,

Plaintiffs,

v.

UNITED AIR LINES, INC., a
Delaware corporation,

Defendant.

C.A. No.

Jury Demand

- 08 - 94 -

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2008 FEB 13 PM 3:43

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 *et seq.*, Defendant, United Air Lines, Inc., hereby removes this action from the Superior Court of the State of Delaware in and for Kent County to the United States District Court for the District of Delaware and in support thereof, Defendant states as follows:

1. Plaintiffs, Amrutbhai Patel and Nilaben Patel ("Plaintiffs") filed a Complaint against United Air Lines, Inc. ("Defendant") in the Superior Court of the State of Delaware in and for Kent County, C.A. No.:08C-01-028, on January 16, 2008. Plaintiffs' Complaint alleged a cause of action for breach of contract, negligence, and willful, wanton and outrageous conduct. A copy of the Complaint is attached hereto as Exhibit A.

Basis for Removal

2. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 (b) because Plaintiffs' Complaint is founded on claims arising under the laws of the United States. Specifically, The Montreal Convention, or the Convention for the Unification of Certain Rules

for International Carriage by Air (28 May 1999) applies to the present action.

3. In the Complaint, Plaintiffs' allege the following:

- In Paragraph 3 of the Complaint, Plaintiffs allege that on July 17, 2007, Plaintiff had purchased tickets and entered into a transportation contract with Defendant to be transported on flight UA 836 from Shanghai, Pudong (PVG) to Chicago, Illinois, O'Hare (ORD), which contract included furnishing Plaintiffs and other members of their group with Hindu meals. . . ."
- In Paragraphs 4 and 5 of the Complaint, Plaintiffs allege that they were not offered Hindu meals and allege they were treated with "negligent, wilful and wanton conduct by the flight attendants. . . ."
- Plaintiffs demand judgment against Defendants seeking damages for breach of contract, negligence, willful, wanton and outrageous conduct.

4. The Warsaw Convention, as well as the Montreal Convention (Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999) governs the rights of passengers injured on international flights. *El Al Isr. Airlines, Ltd. v. Tseng*, 525 U.S. 155, 161 (1999). The purpose of the Warsaw Convention is to achieve uniformity of rules governing claims arising from international air transportation. 49 U.S.C.A. § 40105. The two conventions have "substantially the same preemptive effect." *Paradis v. Ghana Airways Ltd.*, 348 F. Supp.2d 106, 111 (S.D.N.Y. 2004) *aff'd*, 2006 U.S. App. WESTLAW 2456499 (2d. Cir. August 18, 2006).

5. The claims alleged in Plaintiffs' Complaint are preempted by the Montreal

Convention (Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999).

Procedural Requirement for Removal

6. Defendant was served with the complaint on January 25, 2008.
7. This Notice of Removal is being filed within 30 days of the Defendant receiving notice of the action as required by 28 U.S.C. § 1446(b).
8. Copies of all process, pleadings, and orders served upon Defendant are attached to this Notice of Removal as Exhibit B as required by 28 U.S.C. § 1446(a).
9. Pursuant to 28 U.S.C. § 1441(a) this action is being removed to the district court of the United States for the district and division embracing the place where such action is pending.
10. A copy of this notice of this removal will be filed with Superior Court of the State of Delaware in and for Kent County pursuant to 28 U.S.C. § 1446(d).
11. A copy of this notice will be provided to Plaintiffs as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant, United Air Lines, Inc. respectfully remove this action, C.A. No. 8C-01-028 from Superior Court of the State of Delaware in and for Kent County pursuant to 28 U.S.C. 1441.

TIGHE & COTTRELL, P.A.

Melissa L. Rhoads

Melissa L. Rhoads, Esq. (DE ID # 4906)

Paul Cottrell, Esq. (DE ID # 2391)

704 King Street, Suite 500

One Customs House

P.O. Box 1031

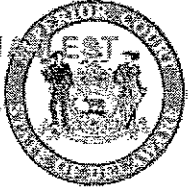
Wilmington, DE 19899

(302) 658-6400

Dated: February 13, 2008

EXHIBIT A

EFiled: Jan 16 2008 9:51
Transaction ID 18081923
Case No. 08C-01-028 JTV



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

AMRUTBHAI PATEL, and NILABEN
PATEL,

Plaintiffs,

v.

UNITED AIR LINES, INC., a
Delaware corporation,

Defendant.

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C.A. No.:

ARBITRATION CASE

COMPLAINT

TRIAL BY JURY DEMANDED

1. Plaintiffs are Amrutbhai Patel and Nilaben Patel, who reside at 131 Dodge Drive, Smyrna, Kent County, Delaware.

2. Defendant is United Air Lines, Inc., a Delaware corporation, its resident agent being Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. At all times pertinent hereto, Defendant owned and operated airlines engaged in contract transportation of customers throughout the world.

3. On July 17, 2007, Plaintiffs had purchased tickets and entered into a transportation contract with Defendant to be transported on flight UA 836 from Shanghai, Pu Dong (PVG) to Chicago, Illinois, O'Hare (ORD), which contract included furnishing Plaintiffs and other members of their group with Hindu meals more particularly described on Defendants' statement of religious diets. The meal reservation list is attached designated Exhibit "A". Defendant's religious diet statement is attached designated Exhibit "B".

4. When Defendant's flight attendants started serving meals to customers on the airplane, Hindu meals were not served to

Plaintiffs and other members of their group. When Plaintiffs informed Defendant's employees that they could not eat the meals offered because they were not Hindu meals, Plaintiffs were told by Defendant's employees that they could not have any meals or food of any nature whatsoever other than what had been offered throughout the entire flight. The Plaintiffs did not receive the Hindu meals as contracted for, which contract was breached by Defendant and its employees.

5. When Plaintiffs stated that they could not eat the meals offered since they were not Hindu meals, they were treated with the following negligent, wilful and wanton conduct by the flight attendants, which caused fear and severe emotional distress to Plaintiffs, which conduct was as follows:

a) The head female flight attendant instructed the other attendants that Plaintiffs and no member of their group was to receive any food or alternate for the remainder of the 12 hour trip despite the fact that other passengers were offered and received fresh fruit and bread;

b) The head female flight attendant threatened to have the airplane diverted to Tokyo, Japan, where Plaintiff Amrutbhai Patel would be taken off, where his passport would be taken from him and he would be arrested;

c) The head female flight attendant threatened Plaintiff Amrutbhai Patel that he would be arrested and investigated by the Federal Bureau of Investigation once the aircraft arrived in Chicago, Illinois;

d) The head female flight attendant, throughout the flight, referred to Plaintiffs and their group as "these people" and threatened to have anyone arrested who said anything about the situation;

e) Plaintiff Nilaben Patel was required to take antibiotics because of her health condition at the time and she was unable to take her required antibiotics throughout the entire flight because the medication could not be taken without food.

6. Plaintiffs not only suffered the inconvenience and deprivation of having food throughout the entire 12 hour flight, but also suffered severe emotional distress and fear that the head female flight attendant, an employee of Defendant, would carry out her threats, having Plaintiffs arrested and investigated once they reached Chicago or being handcuffed or otherwise restrained during the entire flight. The conduct of the flight attendants toward Plaintiffs was readily apparent to all members of the flight in the immediate vicinity and was highly embarrassing and distressing to Plaintiffs and all members of the group, which conduct was intentional, reckless, wanton and outrageous and resulted in severe emotional distress to Plaintiffs.

WHEREFORE, Plaintiffs demand judgment against Defendant for damages of breach of contract, negligence, and willful, wanton and outrageous conduct for damages generally, costs and interest.

SCHMITTINGER & RODRIGUEZ, P.A.

BY: 

NICHOLAS H. RODRIGUEZ, ESQUIRE
Bar I.D. #356
414 South State Street
P.O. Box 497
Dover, Delaware 19903-0497
302-674-0140
Attorney for Plaintiff

DATED: 01-16-08
NHR:cef

EXHIBIT B

united.csc

From: sop@cscinfo.com
Sent: Friday, January 25, 2008 4:41 PM
To: united.csc
Subject: Notice of Service of Process

JAN 28 2008

WHOLD

Corporation Service Company ®

CSC SameDay SOP and CSC PowerBrief clients, [click here](#) to receive and view your Service of Process documents now.
For more information on instant access to your SOP, click [Sign Me Up](#).

NOTICE OF SERVICE OF PROCESS

Transmittal Number: 5561162
Date: 01/25/2008

Pursuant to client instructions, we are forwarding this summary and notice of Service of Process. The Service of Process document has been sent to the primary contact listed below.

Entity:	United Air Lines, Inc.
Entity I.D. Number:	0115287
Entity Served:	United Air Lines, Inc.
Title of Action:	Amrutbhai Patel vs. United Air Lines, Inc.
Document(s) type:	Summons/Complaint
Nature of Action:	Contract
Court:	Kent Superior Court, Delaware
Case Number:	08C-01-028 JTV
Jurisdiction Served:	Delaware
Date Served on CSC:	01/25/2008
Answer or Appearance Due:	20 Days
Originally Served On:	CSC
How Served:	Personal Service

Plaintiff's Attorney:
Nicholas H. Rodriguez
302-674-0140

Primary Contact:
Kim Niebuhr
UAL Corporation (United Airlines)

1/28/2008

Copy of transmittal only provided to:
Sarah Voss

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the document(s) and taking appropriate action.

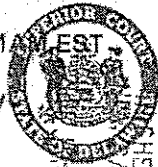
Please visit www.incspot.com for more information on CSC's Litigation and Matter Management services, including service of process (SOP) history, online acknowledgement of SOP, fully electronic scanned SOP and SOP package tracking information.

CSC is SAS70 Type II certified for its Litigation Management System.

2711 Centerville Road Wilmington, DE 19808
(888) 690-2682 | sop@cscinfo.com

1/28/2008

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Case No. 08C-01-028 JTV



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IN AND FOR KENT COUNTY

AMRUTBHAI PATEL, and NILABEN
PATEL,

Plaintiffs,

v.

UNITED AIR LINES, INC., a
Delaware corporation,

Defendant.

C.A. No.:

SUMMONS

THE STATE OF DELAWARE,
TO THE SHERIFF OF NEW CASTLE COUNTY,
YOU ARE COMMANDED:

To summon the above named defendant, UNITED AIR LINES, INC. (last known resident agent address being Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808) so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon Nicholas H. Rodriguez, Esquire, plaintiff's attorney, whose address is P.O. Box 497, 414 South State Street, Dover, Delaware 19901, an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint (and of the affidavit of demand if any has been filed by plaintiff).

Dated: 1/17/08

LISA M. ROBINSON

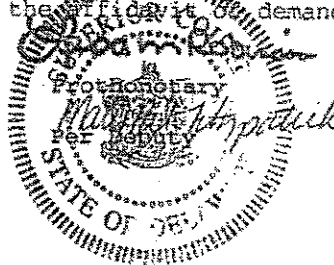
Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint (or in the affidavit of demand, if any).

1/17/08



KENT COUNTY
PROTHONOTARY

JAN 22 AM 10:53 08 JAN 16 PM 2:24

RECEIVED
AND
FILED

SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT

Filed Jan 16, 2008 9:51 AM

Transaction ID 18081923

Case No. 08C-01-028 JTV

COUNTY: N ☒ S

CIVIL ACTION NUMBER: Case No. 08C-01-028 JTV

CIVIL CASE CODE: CDET

CIVIL CASE TYPE: Breach of Contract

(SEE REVERSE SIDE FOR CODE AND TYPE)

CAPTION:		NAME AND STATUS OF PARTY FILING DOCUMENT:	
AMRUTBHAI PATEL and		AMRUTBHAI + NILABEN PATEL. PLTFs	
NILABEN PATEL,			
Plaintiffs,			
vs.		DOCUMENT TYPE: (E.G., COMPLAINT; ANSWER WITH COUNTERCLAIM)	
UNITED AIR LINES, INC., a		Complaint	
Delaware corporation,		Non-Arbitration <input type="checkbox"/>	
Defendant.		(Certificate of Value may be required)	
		Arbitration <input checked="" type="checkbox"/> Mediation <input type="checkbox"/> Neutral Assessment <input type="checkbox"/>	
		DEPENDANT (CIRCLE ONE) ACCEPT REJECT	
		JURY DEMAND YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
		TRACK ASSIGNMENT REQUESTED (CIRCLE ONE)	
		<input checked="" type="checkbox"/> EXPEDITED <input type="checkbox"/> STANDARD <input type="checkbox"/> COMPLEX	
ATTORNEY NAME(S):		IDENTIFY ANY RELATED CASES NOW PENDING IN THE	
Nicholas H. Rodriguez, Esquire		SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER	
ATTORNEY ID (S): 356		INCLUDING JUDGE'S INITIALS	
FIRM NAME:			
SCHMITTINGER & RODRIGUEZ, P.A.			
ADDRESS:		EXPLAIN THE RELATIONSHIP(S):	
414 SOUTH STATE STREET			
P.O. BOX 497			
DOVER, DE 19903-0497			
TELEPHONE NUMBER:		OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:	
302-674-0140			
FAX NUMBER:			
302-674-1830			
E-MAIL ADDRESS:			
nrodriguez@schmittrod.com		(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGES)	

THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICES UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND TO HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.

RECEIVED
AND
FILED
08 JAN 16 PM 2:24
KENT COUNTY
PROTHONOTARY

EFiled: Jan 16 2008 9:51
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ARBITRATION CASE

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TRIAL BY JURY DEMANDED

RECEIVED
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FILED
08 JAN 16 PM 2:24
KENT COUNTY
PROTHONOTARY

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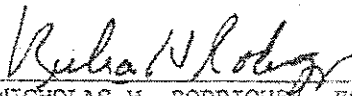
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WHEREFORE, Plaintiffs demand judgment against Defendant for damages of breach of contract, negligence, and willful, wanton and outrageous conduct for damages generally, costs and interest.

SCHMITTINGER & RODRIGUEZ, P.A.

BY:


NICHOLAS H. RODRIGUEZ, ESQUIRE
Bar I.D. #356
414 South State Street
P.O. Box 497
Dover, Delaware 19903-0497
302-674-0140
Attorney for Plaintiff

DATED: 01-16-08
NHR:cef

AMRUTBHAI PATEL
NILABEN PATEL
NATWARLAL RAMANI
SUNNY PARMAR
RASIK PARMAR
PRAGNA PARMAR

Reservation Code: YR3XHB

Thu, Jul 5:

UNITED AIRLINES, UA 893

From: Philadelphia, PA(PHL)

Departure Terminal: TERMINAL DOM

To: Chicago, IL -OHare(ORD)

Arrival Terminal: TERMINAL 1

Flight Time:

Mileage:

Departs: 906A ✓

Arrives: 1024A ✓

Smoking: No

Thu, Jul 5-Fri, Jul 6:

UNITED AIRLINES, UA 851

From: Chicago, IL -OHare(ORD)

Departure Terminal: TERMINAL 1

To: Beijing Airport(PEK)

Arrival Terminal: N/A

Flight Time:

Mileage:

Departs: 1246P ✓

Arrives: 300P+1 ✓

Smoking: No

Tue, Jul 17:

UNITED AIRLINES, UA 836

From: Shanghai Pu Dong(PVG)

Departure Terminal: TERMINAL 1

To: Chicago, IL -OHare(ORD)

Arrival Terminal: TERMINAL 5

Flight Time:

Mileage:

Departs: 345P ✓

Arrives: 355P ✓

Smoking: No

Tue, Jul 17:

UNITED AIRLINES, UA 330

Exhibit 'A'

CONFIRM HUNDU
EFiled: Jan 16 2008 9:51
Transaction ID 18081923
Case No. 080-01-028 JTV
VEGETARIAN
FOR ALL THIS
LIST
IN BACK



From: Chicago, IL -O'Hare(ORD)

Departure Terminal: TERMINAL 1

To: Philadelphia, PA(PHL)

Arrival Terminal: TERMINAL DOM

Flight Time:

Mileage:

Departs: 735P ✓

Arrives: 1051P ✓

Smoking: No

Ticket Receipt

<u>Reservation Code</u>	<u>Passenger</u>	<u>Ticket Number</u>	<u>Airline</u>
4GILR6	✓ PATELBALVANT	7026161558	UA
4GILR6	✓ PATELKUSUM	7026161559	UA
YR3XHB	✓ PARMARSUNNY	7026940921	UA
YR3XHB	✓ PARMARRASIK	7026940923	UA
YR3XHB	✓ PARMARPRAGNA	7026940925	UA
YR3XHB	✓ PATELAMRUTBHAI	7026940927	UA
YR3XHB	✓ PATELNILABEN	7026940929	UA
YR3XHB	✓ RAMANINATWARLAL	7026940931	UA
YR7HQA	✓ RAMANIKAILASH	7026940933	UA
YRSGMN	✓ PATELKISHOR	7026940951	UA
YRSGMN	✓ PATELLALI	7026940953	UA
YRSGNG	✓ SHAHMANOJ	7026161580	UA
YRSGNG	✓ SHAHSMITA	7026161581	UA
ZLCOA3	✓ PATELRAHUL	7026940955	UA
ZWINS9	✓ RAMANIKEVIN	7026940917	UA

HINDU VEGETARIAN MEPL
 FOR ALL THE PEOPLE
 IN THIS LIST.
 ALSO CATHAY AIRLINE

United Airlines - Religious diets

Page 1 of 1

UNITED

EFiled: Jan 16 2008 9:51
Transaction ID 18081923
Case No. 08C-01-028 JTV



Home > Services & Information > In-flight services > Meal and beverage service > Special meals > Religious diets

Religious diets

Hindu meals

United's Hindu meals are pure vegan meals that do not include meat, fish, eggs or dairy products.

Prohibited

Beef, beef products/meat exchange, veal, eggs, cheese and dairy products, lamb, pork, fish and seafood, chicken/fowl

Allowed

Rice, fresh fruits and vegetables, starches, corn, herbs and spices, tofu, dried beans and peas

Kosher meals

We purchase all kosher meals from a certified kosher vendor. They are prepared under rabbinical supervision and wrapped and sealed accordingly. During Passover we serve only kosher for Passover meals to customers who request kosher meals. United® is working closely with Heart Smart Restaurants International to develop healthier choices for our kosher customers.

Prohibited

Pork, sausages, cured meats, shellfish, rabbit meat

Allowed

Poultry, beef, lamb, liver, sweetbreads, eggs, cheese and dairy products, flour ingredient products, fresh fruits and vegetables, sugars and preservatives, potatoes, rice, herring and fish with scales

Muslim meals

Below are the guidelines United follows when preparing Muslim meals.

Prohibited

Pork, sausages, alcohol, eel, animal fats

Allowed

Fresh fruits and vegetables, yogurt, nuts, rice, corn, pasta, eggs, herbs and spices, cheese and dairy products, dried beans and peas. If locally available, poultry is slaughtered according to the specified Halal methods.

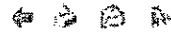
Goals and policies

Español | About United | Investor relations | Business resources | Careers | Site map
Compatible browsers | Terms and conditions | Privacy | © 2007 United Air Lines, Inc.

01/16/08 09:51

*United Airlines
Customer Relations
PO Box 66100
Chicago, IL 60666*

Exhibit "B"



How can I contact Customer Relations?

If you have questions about future travel (a reservation, seat issues, etc.), please contact [United Reservations](#). You may also visit [Services & Information](#) for assistance and information prior to your trip.

Contact United Customer Relations with:

- Praise or compliments
- Comments or feedback
- Complaints
- Questions regarding past date travel

Phone

1-877-228-1327

Available 8 a.m.-7 p.m. CST Mon-Fri

Email: [Customer Relations](#)

To help us serve you better, please have the following details at hand:

- Travel dates, flight numbers and itinerary
- Copy of ticket and boarding pass or E-TicketSM receipt
- Name, street or email address and telephone number of the travelers

Outside the United States

For contact information outside the United States, visit [United worldwide contacts](#).

Recent articles

Related articles

[How can I contact Customer Relations?](#)

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mailto:verizon.net/webmail/serve/HttpNimbleDriver?mime=ManageEmailDetail

EFiled: Jan 16 2008 9:51
Transaction ID 18081923
Case No. 08C-01-028 JTV



RE: UA Flight 851V July 5, 2007
UA Flight 540V July 17, 2007

To Whom It May Concern:

One of the airline competitors advertises: "They like their customers". My observation on the United Airlines Flight mentioned above was that a group of 22 people from India aboard your 2 flights had ordered a vegetarian meal for religious reasons. I am sure that United has had many similar requests. However, these particular flights had some errors concerning these requests from your food distributor. The July 17th flight served 3 meals for a very long flight (over 12 hours). The plane had 2 levels. This implies that your food service must have been ample with a variety of packed foods (including fruit plates)

The Indian group could not accept two of the three served meals as they included chicken and fish. I observed that the flight attendants were not sympathetic to their client's food needs. One flight attendant called one of the Indian travelers "obnoxious" and she insisted that he stop talking about the incident. She threatened to request the plane be landed in Japan and that the FBI would detain them. I felt this was outrageous as this was definitely a food issue not a terrorist issue.

Your flight attendants did not try to appease their clients by serving some alternate food. I felt compelled to suggest to the flight attendant to offer a fruit plate. The client rejected the offer. I guess he felt aggravated. It used to be "The customer was always right". It appears now the flight attendants do not have to try to keep their customers content concerning food issues. It would help to show that they "like their customers."

Respectfully Submitted,

Anita Feld
1 Independence Road
Bedford, Ma 01730

Cc:Amrut Patel

Exhibit "C"

Print Message

Close this window

From Stacho11@aol.com
Date 2007/07/29 Sun PM 09:27:17 CDT
To AnrutPatel@Verizon.net
Subject from Anita Feld (passenger neighbor on United Shanghai to Chicago)

Dear Mr. Patel,

I sat next to you and your wife on your return trip from Shanghai to Chicago. Hoping that your connecting flight was an enjoyable one. I am sending you a attachment of a copy of a letter to :

Mr. Graham W. Atkinson, Executive Vice President and Chief Customer Officer
1200 East Algonquin Road, Elk Grove Village, Illinois 6007

I felt that the food services were insensitive to your group's needs should be noted at an executive level.
Sincerely Yours. Anita Feld (Stacho11@aol.com)

Get a sneak peek of the all-new [AOL.com](http://aol.com).

Download Attachment [United Airlines.doc](#)

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

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PATEL,

Plaintiffs,

v.

UNITED AIR LINES, INC., a
Delaware corporation,

Defendant.

C.A. No.:

AFFIDAVIT PURSUANT TO RULE 3(h)(1)(II)

STATE OF DELAWARE

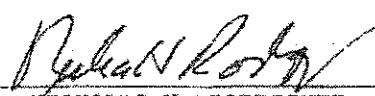
COUNTY OF KENT

SS:

Nicholas H. Rodriguez, attorney for Plaintiffs, hereby certifies in accordance with Rule 3(h)(1)(II) that no special damages are alleged in this cause of action at the present time. If special damages are incurred in the future, documentary evidence of all special damages will be presented to counsel for the Defendant.

SCHMITTINGER & RODRIGUEZ, P.A.

BY:


NICHOLAS H. RODRIGUEZ, ESQUIRE
Bar I.D. #356
414 South State Street
P.O. Box 497
Dover, Delaware 19903-0497
(302) 674-0140
Attorney for Plaintiffs

DATED: 01-16-08
NHR:cef

EFiled: Jan 16 2008 9:51

Transaction ID 18081923

Case No. 08C-01-028 JTV



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

AMRUTBHAI PATEL, and NILABEN
PATEL,

Plaintiffs,

v.

UNITED AIR LINES, INC., a
Delaware corporation,

Defendant.

C.A. No.:

PLAINTIFF'S ANSWERS TO FORM 30 INTERROGATORIES

Q. 1. Give the name and present or last known residential and employment address and telephone number of each eyewitness to the incident which is the subject of the litigation.

A. Plaintiffs Amrutbhai Patel and Nilaben Patel, 131 Dodge Drive, Smyrna, Kent County, Delaware 19977;

members of the group also on the flight identified by name on Exhibit "A" attached to the complaint;

members of Defendant's flight crew and attendants on the flight, which names are unknown to Plaintiffs;

Anita Feld, 1 Independence Road, Bedford, Massachusetts 01730;

all customers of Defendant on the flight.

Q. 2. Give the name and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

A. None other than stated in answer to interrogatory number 1.

Q. 3. Give the names of all persons who have been interviewed in connection with the above litigation, including the names and present or last known residential and employment addresses and telephone numbers of the persons who made said interviews and the names and present or last known residential and employment addresses and telephone numbers of persons who have the original and copies of the interview.

A. None.

Q. 4. Identify all photographs, diagrams or other representations made in connection with the matter in litigation, giving the name and present or last known residential and employment address and telephone number of the person having the original and copies thereof. (In lieu thereof, a copy can be attached.)

A. See letter of Anita Feld attached to the complaint, designated Exhibit "C".

Q. 5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

A. No expert witnesses have been retained to date.

Q. 6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

a. The name and address of all companies insuring the risk;

b. The policy number(s);

c. The type of insurance;

d. The amounts of primary, secondary and excess coverage.

A. None.

Q. 7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

A. Nilaben Patel: Dr. Cerney, 1177-A South Governors Avenue, Dover, DE 19904 (302-674-4767); Dr. Ashok Patel, 1055 South Bradford Street, Dover, DE 19901 (302-674-1818).

Amrutbhai Patel: Christiana Hospital, 4755 Ogletown-Stanton Road, Newark, DE 19713 (302-733-1000); Kent General Hospital, 640 South State Street, Dover, DE 19901 (302-744-7081); Dr. Andreas Rauer, 16 Old Rudnick Lane, Dover, DE 19901.

SCHMITTFINGER AND RODRIGUEZ, P.A.

BY: 

NICHOLAS H. RODRIGUEZ, ESQUIRE
Bar I.D. #356
414 South State Street
P.O. Box 497
Dover, Delaware 19903-0497
(302) 674-0140
Attorney for Plaintiff

DATED: 01-16-08
NHR:cef

Untitled

1/15/08 9:52 AM

LexisNexis File & Serve Transaction Receipt

Transaction ID: 18081923
 Submitted by: Tina L Sanchez, Schmitttinger & Rodriguez PA
 Authorized by: Nicholas H Rodriguez, Schmitttinger & Rodriguez PA
 Authorize and file on: Jan 15 2008 9:51AM EST

Court: DE Superior Court-Kent County
 Case Class: Civil-Arbitration
 Case Type: CDBT - Debt/Breach of Contract
 Case Name: Patel, Amrutbhai vs United Air Lines, Inc.

Transaction Option: Originating Event
 Billing Reference: A Patel (NHR 07-1174)

Documents List

9 Document(s)

Originating Document, 4 Pages Document ID: 21647712 [PDF Format](#) | [Original Format](#)
 Document Type: Access: Statutory Fee: Linked:
 Complaint Public \$185.50

Document title:
 Pltfs Patel Complaint

Attached Document, 1 Pages Document ID: 21647713 [PDF Format](#) | [Original Format](#)
 Related Document ID: 21647712
 Document Type: Access: Statutory Fee: Linked:
 Case Information Statement Public \$0.50

Document title:
 Pltfs Patel Case Information Statement

Attached Document, 1 Pages Document ID: 21647714 [PDF Format](#) | [Original Format](#)
 Related Document ID: 21647712
 Document Type: Access: Statutory Fee: Linked:
 Praecipe Public \$0.50

Document title:
 Pltfs Patel Praecipe

Attached Document, 1 Pages Document ID: 21647715 [PDF Format](#) | [Original Format](#)
 Related Document ID: 21647712
 Document Type: Access: Statutory Fee: Linked:
 Summons Public \$0.50

Document title:
 Pltfs Patel Summons for service on Def United Air Lines Inc

Attached Document, 2 Pages Document ID: 21647716 [PDF Format](#) | [Original Format](#)
 Related Document ID: 21647712
 Document Type: Access: Statutory Fee: Linked:
 Exhibits Public \$0.50

Document title:
 Pltfs Patel Exhibit A attached to Pltfs Complaint

Attached Document, 2 Pages Document ID: 21647717 [PDF Format](#) | [Original Format](#)
 Related Document ID: 21647712
 Document Type: Access: Statutory Fee: Linked:
 Exhibits Public \$0.50

Document title:
 Pltfs Patel Exhibit B attached to Pltfs Complaint

Attached Document, 2 Pages Document ID: 21647718 [PDF Format](#) | [Original Format](#)
 Related Document ID: 21647712
 Document Type: Access: Statutory Fee: Linked:
 Exhibits Public \$0.50

Document title:

Untitled

1/16/08 9:52 AM

Pltfs Patel Exhibit C attached to Pltfs Complaint

Attached Document, 1 Pages Document ID: 21647719[PDF Format](#) | [Original Format](#)

Related Document ID: 21647712

Document Type:
Rule 3H StatementAccess:
PublicStatutory Fee: \$0.50
Linked:

Document title:

Pltfs Patel Affidavit Pursuant to Rule 3(h)(1)(II)

Attached Document, 3 Pages Document ID: 21647720[PDF Format](#) | [Original Format](#)

Related Document ID: 21647712

Document Type:
Answer to Form 30 InterrogatoriesAccess:
PublicStatutory Fee: \$0.50
Linked:

Document title:

Pltfs Patel Answers to Form 30 Interrogatories

[Close All](#)☐ [Sending Parties \(2\)](#)

Party	Party Type	Attorney	Firm	Attorney Type
Patel, Amrutbhai	Plaintiff	Rodriguez, Nicholas H	Schmittinger & Rodriguez PA	Attorney In Charge
Patel, Nilaben	Plaintiff	Rodriguez, Nicholas H	Schmittinger & Rodriguez PA	Attorney In Charge

☐ [Case Parties](#)

Party	Party Type	Attorney	Firm	Attorney Type
Patel, Amrutbhai	Plaintiff	Rodriguez, Nicholas H	Schmittinger & Rodriguez PA	Attorney in Charge
Patel, Nilaben	Plaintiff	Rodriguez, Nicholas H	Schmittinger & Rodriguez PA	Attorney in Charge
United Air Lines, Inc., a Delaware corporation	Defendant	No Answer on File	Firm TBD	N/A

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Wed, Jan 16, 2008 10:10 AM

From: LexisNexis File & Serve <efile@fileandserve.lexisnexis.com>
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Date: Wednesday, January 16, 2008 9:52 AM
Subject: Case: ; Transaction: 18081923 Transaction Receipt

To: Tina L Sanchez
Subject: Transaction Receipt

This email is to confirm receipt of your documents. The transaction option you selected was "File Only". The details for this transaction are listed below.

Court: DE Superior Court-Kent County
Case Name: Patel, Anrutbhai vs United Air Lines, Inc.
Case Number:
Transaction ID: 18081923
Document Title(s):
Pltfs Patel Complaint (4 pages)
Pltfs Patel Case Information Statement (1 page)
Pltfs Patel Praecipe (1 page)
Pltfs Patel Summons for service on Def United Air Lines Inc (1 page)
Pltfs Patel Exhibit A attached to Pltfs Complaint (2 pages)
Pltfs Patel Exhibit B attached to Pltfs Complaint (2 pages)
Pltfs Patel Exhibit C attached to Pltfs Complaint (2 pages)
Pltfs Patel Affidavit Pursuant to Rule 3(h)(1)(II) (1 page)
Pltfs Patel Answers to Form 30 Interrogatories (3 pages)
Authorized Date/Time: Jan 16 2008 9:51AM EST
Authorizer: Nicholas H Rodriguez
Authorizer's Organization: Schmittinger & Rodriguez PA
Sending Parties:
Patel, Anrutbhai
Patel, Nilaben

Thank you for using LexisNexis File & Serve.

Questions? For prompt, courteous assistance please contact LexisNexis Customer Service by phone at 1-888-529-7587 (24/7).

Wed, Jan 16, 2008 12:27 PM

From: LexisNexis File & Serve <efile@fileandserve.lexisnexis.com>
To: <tsanchez@schmittrod.com>
Date: Wednesday, January 16, 2008 12:00 PM
Subject: Case: 08C-01-028 JTV; Transaction: 18081923 New Case Accepted

To: Tina L Sanchez
Subject: Notice of Accepted New Case

DE Superior Court-Kent County has accepted a transaction in 08C-01-028 JTV. This case, 08C-01-028 JTV, is now available for subsequent transactions and you may now serve parties in this case via LexisNexis File & Serve.

The details for this transaction are listed below.

Court: DE Superior Court-Kent County
Case Name: Patel, Amrutbhai vs United Air Lines, Inc.
Case Number: 08C-01-028 JTV
Transaction ID: 18081923
Authorized Date/Time: Jan 15 2008 9:51AM EST
Authorizer: Nicholas H Rodriguez
Authorizer's Organization: Schmittinger & Rodriguez PA
Sending Parties:
Patel, Amrutbhai
Patel, Nilaben

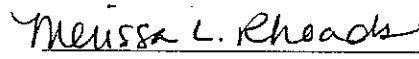
Thank you for using LexisNexis File & Serve.

Questions? For prompt, courteous assistance please contact LexisNexis Customer Service by phone at 1-888-529-7587 (24/7).

CERTIFICATE OF SERVICE

I, Melissa L. Rhoads, Esq., hereby certify that on this 13th day of February, 2008, two true and correct copies of the foregoing Notice of Removal was served via first-class U.S. Mail, postage pre-paid upon the following counsel of record:

Nicholas H. Rodriguez, Esq.
Schmittinger & Rodriguez, P.A.
414 South State Street
P.O. Box 497
Dover, DE 19903-0497



Melissa L. Rhoads, Esq.

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

- 08 - 94

civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided in the docket sheet. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating cases of court. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Amrutbhai Patel and Nilaben Patel

(b) County of Residence of First Listed Plaintiff Kent
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) 302-674-0140
Nicholas H. Rodriguez, Schmittinger & Rodriguez
414 S. State St., Dover, DE 19903

DEFENDANTS

United Air Lines, Inc.

County of Residence of First Listed Defendant New Castle
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) 302-658-6400 ext. 22
Melissa Rhoads, Tighe & Cottrell, P.A.
704 King St., Suite 500, Wilmington, DE 19801

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC § 1441; 49 U.S.C.A. § 40105

Brief description of cause:

Removal based on a federal question; Warsaw & Montreal Convention govern the rights of passengers on international flights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE VaughnDOCKET NUMBER C.A. No. 08C-01-028

DATE

SIGNATURE OF ATTORNEY OF RECORD

2/13/08
FOR OFFICE USE ONLY

Melissa L. Rhoads

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 08-94

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

2/13/08
(Date forms issued)

x Wendy L. Simpson
(Signature of Party or their Representative)

x Wendy L. Simpson
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action